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09/499,401	02/07/2000	Yukako Nii	49570(551)	1212

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EXAMINER

VU, THANH T

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 06/30/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/499,401

Applicant(s)

NII, YUKAKO

Examiner

Thanh T. Vu

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### DETAILED ACTION

This communication is responsive to Amendment B, Filed 3/4/03.

Claims 1-20 are pending in this application. In the Amendment B, claims 1, 13, and 17 were amended.

#### *Claim Objections*

Claim 13 is objected to because of the following informalities:

Claim 13 line 5, "said operation being performed on said first icon of said second icon" should be -- said operation being performed on said first icon at said second icon--. Appropriate correction is required.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 6-9, 13, 16, 17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. ("Bates", U.S. Pat. No. 5,777,616) in view of Hirose (U.S. 5,745,112).

Per claim 1, Bates teaches an information processing apparatus comprising: a pointing device; a display unit displaying a plurality of icons; a detection unit detecting a predetermined operation performed on a first icon which has been dragged to a second icon and moved when

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positioned at said second icon, said first icon displayed on said display unit and moved with movement of said pointing device (Figs. 4B and 5; *icons: 114, 150 and icons: 114 and 160*; Col. 2, lines 20-26; Col. 7, lines 23-25 and lines 42-56; Col. 8, lines 1-9; *The first icon (114) is moved when position at said second icon (150 or 160) in order for a user to select a particular region among the plurality of regions of the second icon. In response to such movement, the GUI indicates to the user that a function associated with a particular region can or cannot be performed on the first icon (the function that can be performed by the indicated region is specified by text displayed beneath the first icon. A NOT symbol 172 of fig. 5 is displayed over the first icon to indicate that the first icon cannot be performed by the function of the indicated region.)*) Bates does not teach a condition update unit changing a processing condition of the information processing, represented by the second icon, to be performed on said first icon based on the detection of the operation performed on the first icon. However, Hirose teaches an information processing apparatus wherein a condition update unit changing a processing condition of the information processing, represented by the second iconic menu, to be performed on said first icon based on the detection of the operation performed on the first icon (Figs 13 and 14; Col. 6, lines 44 – 56). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a condition update unit as taught by Hirose in the invention of Bates in order to display only relevant icons for information processing based on dragging operation done on another icon.

Per claim 2, Bates teaches the information processing apparatus according to claim 1, wherein said detection unit detects movement of said first icon in a predetermined direction in the vicinity of said second icon while said first icon is being dragged (Col. 7, lines 42 –56).

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Per claim 6, Bates teaches the information processing apparatus according to claim 1, wherein said display unit displays a processing condition associated with said second icon in the vicinity of said second icon (Fig 4B; Col. 7, lines 47-49).

Per claim 7, Bates teaches the information processing apparatus according to claim 1, further comprising a processing execution unit executing processing based on the processing condition in information processing updated by said condition update unit (Fig 6; Col. 9, lines 5-8).

Per claim 8, Bates teaches the information processing apparatus according to claim 1, wherein said second icon includes a group of icons associated with said processing condition (Fig 4A; Icon: 150).

Per claim 9, Bates teaches the information processing apparatus according to claim 8, wherein at least one of said first icon, said second icon and said group of icons is preliminary associated with said processing condition (Fig 6; Col.8, lines 10-13).

Claim 13 is similar in scope to claim 1 and therefore is rejected under similar rationale.

Claim 16 is similar in scope to claim 8 and therefore is rejected under similar rationale.

Claim 17 is similar in scope to claim 1 and therefore is rejected under similar rationale.

Claim 20 is similar in scope to claim 8 and therefore is rejected under similar rationale.

Claims 3-5, 12, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Hirose (U.S. 5,745,112) and Fitzpatrick et al ("Fitzpatrick", U.S. Pat. No. 5,546,527).

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With respect to claim 3, Bates and Hirose teach the information processing apparatus according to claim 1, but do not specifically teach a detection unit detects stop of said first icon for a predetermined time in the vicinity of said second icon while said first icon is being dragged. However, Fitzpatrick shows a detection of an icon that is stopped in the vicinity of another icon while the first icon is being dragged (Col. 4, lines 9-14). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include a detection unit as taught by Fitzpatrick the inventions of Bates and Hirose in order to detect a hovering action of an icon over another icon.

Per claim 5, Bates and Hirose teach the information processing apparatus according to claim 1, but do not specifically teach said display unit changes a display form of said second icon according to a set processing condition. Fitzpatrick teaches changing display form of an icon graphics such as by slightly enlarging the icon or by providing a flashing icon (Col. 3, lines 64-66). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize Fitzpatrick's teaching to include changing display form of an icon according to a set processing condition in the invention of Bates and Hirose in order to provide users a visual clue for an icon's characteristics.

Claim 12 is similar in scope to claim 5, and therefore is rejected under similar rationale.

Claim 15 is similar in scope to claim 5, and therefore is rejected under similar rationale.

Claim 19 is similar in scope to claim 5, and therefore is rejected under similar rationale.

Claims 4, 10, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates in view of Hirose and Smith (U.S. Patent No. 5,721,853).

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Per claim 4, Bates and Hirose teach the information processing apparatus according to claim 1, but do not specifically teach wherein said display unit displays said second icon as a group of icons associated with said processing condition when said detection unit detects said predetermined operation. Smith teaches said display unit displays said second icon as a group of icons associated with said processing condition when said detection unit detects said predetermined operation (Figs 1, 2, and 3B; Col. 4, lines 45-51). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include said display unit displays said second icon as a group of icons associated with said processing condition when said detection unit detects said predetermined operation as taught by Smith in the inventions of Bates and Hirose in order to save screen space by only showing the second icon as group of icons when needed.

Per claim 10, Bates and Hirose teach the information processing apparatus according to claim 8, but do not specifically teach wherein a combination of a plurality of processing conditions is set for each icon of said group of icons. However, Smith teaches a combination of a plurality of processing conditions is set for each icon of said group of icons (Figs. 4, 5, and 6; Col. 6, lines 13-16). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to include Smith's teaching in the inventions of Bates and Hirose in order to let users set a plurality of processing conditions for each icon in a group of icons.

Claim 14 is similar in scope to claim 4 and therefore is rejected under similar rationale.

Claim 18 is similar in scope to claim 4 and therefore is rejected under similar rationale.

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*Allowable Subject Matter*

Claim 11 is allowed.

*Response to Arguments*

Applicant's arguments in the Amendment B filed on 03/04/03 have been fully considered but they are not persuasive.

Applicant's primary argument is that "the claimed invention operates in response to movement at the target icon so that the target icon does not change to a desired secondary icon until the user has determined which function it wants. This can be determined by direction of motion or type of motion of the first icon at the second icon". However, the determination of direction of motion or type of motion is not in the claim language.

*Inquiries*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh T. Vu whose telephone number is (703)-308-9119. The examiner can normally be reached on Mon-Thur and every other Fri 8:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (703) 308-0640. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-746-7239 for regular communications and (703)-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



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T. Vu

June 27, 2003

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